

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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THOMAS EVENSTAD,

Civil No. 20-722 (JRT/ECW)

Plaintiff,

v.

**ORDER**

DAVID HUTCHINSON, ET AL,

Defendants.

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Thomas Evenstad, 1921 Feronia Avenue, Suite 4, Saint Paul, MN 55104,  
*pro se* plaintiff.

Kelly K. Pierce, James W. Keeler, Jr., **HENNEPIN COUNTY ATTORNEY'S  
OFFICE**, 300 South 6th Street, Suite A2000, Minneapolis, MN 55487, for  
defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by  
United States Magistrate Judge Elizabeth Cowan Wright dated January 12, 2021, all the  
files and records, and no objections having been filed to said Report and  
Recommendation, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss (Dkt. 22) is **GRANTED**.
2. All claims against Hennepin County are **DISMISSED WITHOUT PREJUDICE**.
3. All claims against Sheriff David Hutchinson, Deputy Lisa Kasperek, and  
Deputy Jeffrey Marshall in their official capacities are **DISMISSED  
WITHOUT PREJUDICE**.

4. Plaintiff's Eighth Amendment claim and Equal Protection claim under the Fourteenth Amendment against Deputy Lisa Kasperek and Deputy Jeffrey Marshall in their individual capacities are **DISMISSED WITHOUT PREJUDICE**.
5. Defendants Deputy Lisa Kasperek and Deputy Jeffrey Marshall are required to answer or otherwise properly respond to the Complaint, as to Plaintiff's First and Fifth Amendment claims against them in their individual capacities, in accordance with the Federal Rules of Civil Procedure.

Date: February 8, 2021  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
Chief Judge  
United States District Court